

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:21-cr-00159

ALEXANDER V. OTELLIN,

Defendant.

ORDER

The Court has reviewed the *Motion to Continue Trial and All Pretrial Deadlines* (Document 32) filed in the above-styled matter. Therein, the Defendant moves for an additional 90-day continuance of the trial and related deadlines on the grounds that additional discovery is anticipated, additional time is needed to review discovery, to complete investigation, to consult with experts, and for attorney-client consultation in advance of trial. The requested delay is not attributable to lack of diligent preparation or failure to obtain evidence or witnesses on the part of the United States, or to congestion of the Court's calendar.

WHEREFORE, finding that the interest of the public and the Defendant in a speedy trial is outweighed by the ends of justice served by granting a continuance, the Court, for good cause shown as set forth in the Defendant's motion, and without objection from the United States, does hereby **ORDER** that the motion (Document 32) be **GRANTED IN PART and DENIED IN PART**. The motion is granted to the extent that the Defendant requests a continuance but is denied to the extent that he requests an additional 90-day continuance. Specifically, the trial,

previously scheduled for August 5, 2024, is **CONTINUED** to **September 16, 2024, at 9:00 a.m.**, in Charleston, West Virginia. Counsel should be prepared to select a jury **on the preceding Friday** if so ordered by the Court. The Court **ORDERS** the deadline for filing superseding indictments, if any, shall be thirty days prior to the trial date and that the parties submit their respective witness lists and any proposed voir dire and jury instructions (which shall be numbered) no later than **August 30, 2024**.

The Court further **ORDERS** that the pretrial motions hearing, previously scheduled for July 11, 2024, be **CONTINUED** to **August 30, 2024, at 10:00 a.m.**, in Charleston, West Virginia, before the Honorable Omar J. Aboulhosn, and that any motions to be addressed at the pretrial motions hearing, as well as any motions in limine and motions to suppress, shall be filed no later than **August 23, 2024**. Excluded from magistrate referral are motions in limine and motions to suppress. Accordingly, any motions to extend the deadline for the filing of motions in limine or motions to suppress shall be submitted to and addressed by the undersigned.

Lastly, the Court **ORDERS** that the parties notify the Court of any proposed plea agreement in sufficient time such that a plea hearing may be scheduled by the Court no later than a week before trial. Furthermore, the parties are put on notice that, should a scheduled plea hearing not be completed, the Court will not consider the same to be good cause to support a continuance of the trial.

The United States Marshals Service is **ORDERED** to transport the Defendant from his location of confinement to the aforesaid court proceedings.

The Court **FINDS** that the time between August 5, 2024, and September 16, 2024, is excludable from the computation of time within which trial must commence, pursuant to 18 U.S.C. § 3161(h)(7).

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge Aboulhosn, to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the Office of the United States Marshal.

ENTER: July 3, 2024

A handwritten signature in blue ink, reading "Irene C. Berger", is written over a horizontal line.

IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA